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In re Application of :
MEHR :
U.S. Application No.: 09/807,947 : COMMUNICATION
PCT No.: PCT/DE99/03362 :
Int. Filing Date: 16 October 1999 :
Priority Date: 21 October 1998 :
Attorney's Docket No.: 010456 :
For: INTEGRATED POLYCRYSTALLINE SILICON :
RESISTOR WITH CARBON OR GERMANIUM :

This communication is in response to applicant's "Response to Notification of a Defective Response" filed by facsimile on 17 July 2001 and again on 23 July 2001 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 October 1999, applicant filed international application PCT/DE99/03362, which claimed priority of an earlier application filed 21 October 1998. A Demand for international preliminary examination electing the United States was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 21 April 2001.

On 20 April 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: a check in the amount of \$430.00; a translation of the international application; a copy of the International Preliminary Examination Report; a copy of the International Search Report; a First Preliminary Amendment; an English translation of the annexes of the International Preliminary Examination Report and an unexecuted combined declaration and power of attorney.

On 10 May 2001, applicant filed an executed combined declaration and power of attorney as well as an executed statement claiming small entity status and a check in the amount of \$65.00 as payment of the small entity surcharge for providing the oath or declaration later than thirty months from the earliest claimed priority date.

On 23 May 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905); NOTICE OF DEFECTIVE TRANSLATION (Form PCT/DO/EO/913) and NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION (Form PCT/DO/EO/917) informing that the declaration was defective as it was not signed and of the need to provide an oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was also notified of the need to pay the surcharge for providing the oath or declaration later than thirty months from the earliest claimed priority date. In addition, applicant was advised of the need to provide an English translation of the International Application and the processing fee for providing an English translation of the International Application later than thirty months from the earliest claimed priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 18 June 2001, applicant was mailed a NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916) and NOTICE OF DEFECTIVE TRANSLATION (Form PCT/DO/EO/913) advising applicant of the need to file an English translation of the International Application. Applicant was afforded one month in which to file a response

On 17 July 2001, applicant filed the present response by facsimile accompanied by copies of the NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916) and NOTICE OF DEFECTIVE TRANSLATION (Form PCT/DO/EO/913) and a copy of the English translation of the present International Application. Applicant filed a duplicative response on 23 July 2001.

DISCUSSION

An examination of the application papers finds an English translation of the International Application therein affixed with a USPTO receipt date stamp of 20 April 2001. In addition, an examination of said English translation shows that the number of claims detailed in the English translation match that of the published International Application. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

This application will be given an international application filing date of 16 October 1999 and a date of **10 May 2001** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the mailing of a NOTIFICATION OF ACCEPTANCE UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903).



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